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22 Attorneys for Plaintiffs  
23 Patricia McNeary-Calloway, Colin  
24 MacKinnon, Terrie MacKinnon, Andrea  
25 North, and Sheila M. Mayko  
26 [Additional counsel listed on signature page]

27 UNITED STATES DISTRICT COURT

28 NORTHERN DISTRICT OF CALIFORNIA

1 SAN FRANCISCO DIVISION

2  
3 PATRICIA MCNEARY-CALLOWAY, COLIN  
4 MACKINNON, TERRIE MACKINNON,  
5 ANDREA NORTH, and SHEILA M. MAYKO,  
6 individually and on behalf of all others similarly  
7 situated,

8 Plaintiffs,  
9 v.  
10 JPMORGAN CHASE BANK, N.A. and CHASE  
11 BANK USA, N.A.,

12 Defendants.

13 Case No. C 11-03058 JCS

14 **JOINT STIPULATION AND**  
15 **[PROPOSED] ORDER TO STAY**  
16 **CASE PENDING MEDIATION AND**  
17 **TO SET TIME TO RESPOND TO**  
18 **COMPLAINT**

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Case No. C 11-03058 JCS

1 Defendants JPMorgan Chase Bank, N.A. and Chase Bank USA, N.A. ("Chase" or  
 2 "Defendants") and Plaintiffs Patricia McNeary-Calloway, Colin MacKinnon, Terrie MacKinnon,  
 3 Andrea North, and Sheila M. Mayko ("Plaintiffs") (together with Defendants, the "Parties")  
 4 respectfully submit the following Joint Stipulation to Stay the Case Pending Mediation and Set  
 5 Time to Respond to Complaint.

6 WHEREAS, the Court issued an order granting in part and denying in part Defendants'  
 7 Motion to Dismiss Plaintiffs' First Amended Complaint on March 26, 2012 (the "March 26,  
 8 2012 Order"), ECF No. 62;

9 WHEREAS, pursuant to the Court's March 26, 2012 Order, Plaintiffs had 30 days to file  
 10 an amended complaint, but have decided to stand on their First Amended Complaint, as modified  
 11 by the March 26, 2012 Order;

12 WHEREAS, the Parties have met and conferred regarding potential mediation of the  
 13 dispute and an appropriate time for Defendants to respond to the operative Complaint;

14 WHEREAS, after conferring in good faith, the Parties have agreed, subject to court  
 15 approval, that mediation prior to the further expenditure of additional time and resources of the  
 16 Parties and the Court would be helpful in attempting to reach an early resolution of the Action;  
 17 and,

18 WHEREAS, the Parties accordingly stipulate and agree that the case should be stayed  
 19 pending private mediation, which the Parties agree will begin within 60 days of the date of entry  
 20 of this Order, and that Defendants' response date should be extended to 30 days following the  
 21 termination of the mediation. Either Party or the selected private mediator may declare the  
 22 mediation terminated by written correspondence of such declaration to the mediator and other  
 23 Party.

24 **IT IS HEREBY STIPULATED AND AGREED, AND RESPECTFULLY  
 25 REQUESTED, AS FOLLOWS:**

26 The case shall be stayed pending the Parties' mediation. The Parties shall engage in  
 27 mediation within 60 days of entry of this Order, or as otherwise set by the Court, in front of a  
 28 mutually-acceptable mediator. If any Party and/or the selected mediator informs the Court that

1 the mediation was unsuccessful and terminated, Defendants shall respond to Plaintiffs' First  
2 Amended Complaint, as modified by the March 12, 2012 Order, within 30 days after the filing of  
3 such a termination notice with the Court.

4 **IT IS SO STIPULATED.**

5 DATED: May 2, 2012 Respectfully submitted,

6 Bingham McCutchen LLP

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8 By: /s/ Zachary J. Alinder

9 Peter Obstler

Zachary J. Alinder

10 Attorneys for Defendants  
JPMorgan Chase Bank, N.A.  
and Chase Bank USA, N.A.

11 DATED: May 2, 2012

12

13 By: /s/ Edward W. Ciolko

14 Edward W. Ciolko

15 Terence S. Ziegler

16 Donna Siegel Moffa

17 Amanda R. Trask

Ramzi Abadou

18 KESSLER TOPAZ MELTZER &  
19 CHECK, LLP

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21 Michael B. Angelovich

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25 Eric T. Salpeter

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26 Brian D. Penny

GOLDMAN SCARLATO

27 KARON & PENNY, P.C.

28 Attorneys for Plaintiffs

PATRICIA McNEARY-CALLOWAY, COLIN  
MACKINNON, TERRIE MACKINNON, ANDREA  
NORTH and SHEILA M. MAYKO

1 PURSUANT TO STIPULATION, IT IS SO ORDERED

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5 Dated: 5/3/12

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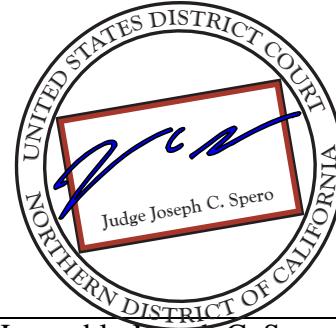
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Honorable Joseph C. Spero  
United States District Magistrate Judge

## **FILER'S ATTESTATION**

Pursuant to General Order No. 45, § X(B), I, Zachary J. Alinder, attest under penalty of perjury that concurrence in the filing of the document has been obtained from all of the signatories.

Dated: May 2, 2012

/s/ Zachary J. Alinder

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Zachary J. Alinder